

No slave hunting in the old Bay State

ANTI-SLAVERY TRACTS. No. 13. New Series.

NO SLAVE-HUNTING IN THE OLD BAY STATE: AN APPEAL TO THE PEOPLE AND LEGISLATURE OF MASSACHUSETTS.

"For us, and for our children, the vow which we have given For Freedom and Humanity is registered in heaven:— No slave-hunt in our borders—no pirate on our strand— No fetter in the Bay State—no slave upon our land!"

J. G. WHITTIER.

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NO SLAVE-HUNTING IN THE BAY STATE.

EXTRACTS FROM A SPEECH BY WENDELL PHILLIPS, Before the Committee on Federal Relations of the Massachusetts Legislature, February 17, 1859.

Massachusetts was the first recognized sovereignty to abolish negro slavery by solemn act. It is therefore with good reason that we now ask you, a Massachusetts Legislature, to occupy that same van to-day. I think we have a right to claim it of such a government.

Why do we ask it, gentlemen? We ask it for this reason, that within the last few years, we have sent nearly four hundred fugitives from Massachusetts. We did not dare to advise them to stay. We could not take it upon our consciences to ask them to undergo the risk of remaining under your laws. Whatever we might have done individually, we could not ask another man to risk his liberty. Within a few years, nearly four hundred, probably many more unknown to us, have quitted this Commonwealth. Now, who are these fugitives? They are men and women, who have shown a better title to liberty than we have, for we were only born free; they were born as free, essentially, though under slave laws, and, taking life and danger in their right hands, have vindicated their title to freedom by enduring perils that make the blood curdle even to hear. Brave men and tender women, feeling the breath of hounds upon their naked limbs, bearing musket shot in their still bleeding flesh, risking death by angry floods, or frozen rivers, by starvation, in boxes, on railroad cars, deep in the hold of heavy laden ships—mothers bringing the little child's body who has sunk to death in their

arms—daughters flying from a fate worse than death,—these showing forth a manhood which only the highest hours of history can equal,—at last set foot upon the soil of this 4 Commonwealth. Is there any nobler exile that the State can welcome? Is it not enough to shame a Massachusetts man, that such men and women, the noblest blood of the earth, are not safe under her laws? Can a man be blamed for wishing that the statute-book should welcome and protect them, instead of obliging them to avoid the Commonwealth? In 1641, our fathers, just landed, proclaimed that Massachusetts had open arms for all exiles, all fugitives from tyranny and oppression; “to such,” says Bancroft, “she *offered a free welcome and aid at the public cost*. The nation, by a special statute, made the fugitive and the persecuted the *guests* of the Commonwealth.”*

* “If any STRANGERS or people of other nations, professing the true Christian religion, shall FLY to US from the TYRANNY or OPPRESSION of their persecutors, or from famine, wars, or the like necessary and compulsory cause, they shall be *entertained and succoured* amongst us according to that power and prudence God shall give us.

“ *Every person* within this jurisdiction, whether *inhabitant* or STRANGER, shall ENJOY THE SAME LAW AND JUSTICE, that is general for this jurisdiction, which we constitute and execute ONE TOWARDS ANOTHER, in all cases proper to our cognizance, WITHOUT PARTIALITY or delay.”— *Massachusetts’ Statutes*, 1641.

That, Mr. Chairman and gentlemen, is the civilization which you represent. It is in the spirit of that statute, it is following the great constitutional movement of 1780, that we ask your action on that petition to-day. We want you to go further than Vermont does—we want you specifically to enact, that any person seized, or in custody in this Commonwealth, by virtue of any process under the so-called Fugitive Slave Act, shall be liberated by *habeas corpus*, issuing from the Supreme Bench of this Commonwealth. We ask you, in distinct words, to set at nought the unconstitutional enactment of the United States.

Is the statute we ask for constitutional, under the Constitution of 1787? I am perfectly ready to admit that there have been extreme theories of constitutional law, which make this claim of the petitioners unconstitutional. I am perfectly willing to allow—and I never wish the Committee for a moment to forget it—that Mr. Webster, in the great debate with Hayne, claimed a stereotyped fixedness for constitutional law which shuts out the possibility of the action we ask. No doubt of it, gentlemen. But theory is one thing; practice is 5 another. Let me read you an extract from a speech which that same Mr. Webster made in 1851, (at Capon Springs.) After he had stated, in a previous part of the speech, as strongly as possible, his views in regard to this very question of the obligation of the North, under

the Constitution, to return fugitive slaves, and you may therefore suppose him to have had that point specially in his mind, what does he say?

"To preserve that Union, we must observe, in good faith, the Constitution and all its parts. If that Constitution be not observed, and its provisions set aside, the whole of it ceases to be binding. It would be absurd to suppose that either the North or the South has the power or the right to violate any part of that Constitution, and then claim from the other observance of its provisions. If the South were to violate any part of the Constitution, would the North be any longer bound by it? and if the North were deliberately to violate any part of it, would the South be bound any longer to observe its obligation? How absurd it would be to suppose, when different parties enter into a compact for certain purposes, that either can disregard any one provision, and expect the other to observe it!"

This is the practical application of the doctrine of constitutional obligation, by the jurist himself. He lays down the principle, that we are to obey the Constitution at any rate; he says that the slave clause is in the Constitution, and therefore the North is bound to obey it. Then, he asks—he is talking of the obligation of the South to obey the Constitution, if the North has violated it—allowing the North has violated the Constitution, is the South bound to keep it? Not a bit of it! If two parties make a compact, and one breaks it, the other is not bound by it. That is the practical doctrine of Daniel Webster.

I had once the honor of a conversation with John Quincy Adams on this very subject. I asked him if he ever intended to assist in sending back a fugitive. "No," was the reply. "How," I inquired, "do you reconcile that with your oath to support the Constitution of the United States?" "O, the South has violated the Constitution." Whenever there comes an actual conflict of opinion, the stringent theory of obedience cracks, and these statesmen acknowledge the common law principle, resting on a higher and broader basis, that the violation of a contract by one of the parties absolves the other, to a great extent, if not entirely.

So Mr. Adams, in 1819, when Missouri was about to be admitted, (as reported in his life, by Hon. Josiah Quincy,) declared that Congress, by their sanction of the Missouri Constitution, by admitting that State into the Union without excepting against that article which disfranchised a portion of the citizens of Massachusetts, had violated the Constitution of the United States. "Therefore, until that portion of the citizens of Massachusetts whose rights were violated by the article in the Missouri Constitution should be reintegrated in the full enjoyment and possession of those rights, no clause or article of the Constitution of the United States should, within the Commonwealth of Massachusetts, be so understood as to authorize any person whatsoever to claim the property or

possession of a human being as a slave; and he would prohibit BY LAW the delivery of any fugitive upon the claim of his master."

That was the opinion of Mr. Adams in 1819; and throughout the whole argument, Mr. Adams claimed that the Missouri Compromise was a violation of a fundamental provision of the Constitution on the part of the South, and by that violation, Massachusetts and the North stood absolved from all obligation to any clause of the Constitution which they choose to repudiate. You see, gentlemen, that we are sailing under very good captainship. If you do not like our constitutional law, try the edge of your critical sword upon them, and not upon us.

"If I were a member of the Legislature of one of these States," said Mr. Adams,—(why, gentlemen, we stand here, as the Spiritualists would say, the *mediums* of John Quincy Adams)—"I would move for a declaratory act, that so long as the article in the Constitution of Missouri, depriving the colored citizens of the State (say) of Massachusetts of their rights as citizens of the United States within the State of Missouri, should subsist, so long the white citizens of Missouri should be held as aliens within the Commonwealth of Massachusetts, and not entitled to claim or enjoy, within the same, any right or privilege of a citizen of the United States."

Thus, gentlemen, we put ourselves upon this ground. If the constitutional clause is binding, in your view, then, according to very excellent constitutional authority, the unlimited violation of the Constitution of the United States, on the part of the Southern States, frees you from any moral obligation to the observance of that clause. You will not contend, 7 in 1859, that Mr. Webster in 1851, or Mr. Adams in 1819, had stronger instances to cite of the violation of the Constitution than we have to-day. I have only to recall to your minds, Texas, Missouri, and the Fugitive Slave Bill itself, and the agents of this Commonwealth kicked out of South Carolina, and the door barred by a statute making it a penal offence, punishable in the State Prison, for Massachusetts to send a citizen to that State to bring a case before the Supreme Court for the defence of one of her own colored seamen, —I have only to point you to these repeated acts of aggression, to bring the case we are considering entirely within the rule laid down by Adams and Webster. I might cite also the language of Joshua R. Giddings, in a letter to his constituents, covering the same legal issue, but it is not necessary.

I claim this as the well-recognized principle of the nation's existence, that any act which the organized authority sanctions, and the people acquiesce in, is the law of the land. The whole of our law grows out of that principle. You cannot vindicate, on sacred charter principles, one single act in the normal history of the States; there is not a constitutional act that is clean. We claim that principle in our behalf today. We want the State of Massachusetts to risk this statute, even if it is outside of the Constitution. We ask her to say to the Union, "You have been enacting laws for sixty years; we are going to try our hand at it. Massachusetts is good at paints; we do not intend other States shall

have a monopoly in this." By what right do the Republicans of the Senate sit side by side with the Senators of Texas to-day,—every one of them pledged to the principle that Texas has no right in this Union, that it was an illegal act that brought her in, and one half of them pledged to this day to the doctrine that we have no right to acquire territory? By the right and in virtue of the principle, that public acquiescence makes its law.

Now, we claim that principle of you, to-day. Shall it be everlastingly said that "Despotism does great things illegally, and Liberty does nothing according to law"? Let us, for once, vindicate the right of Liberty, in this free scramble for power, to get her share. We ask you, if it be unconstitutional, to say to the people of the Commonwealth: "That is JUSTICE; that is what the heart of the Commonwealth demands; 8 we will enact it, and see whether the people of Massachusetts will say 'Amen!'" If they do, it is the law of the State; and then we shall not have to my, with our faces veiled in shame, to the proud specimen of manhood, the William Tell or Wallace of a grander struggle than the Swiss or Scotch hero ever knew, when he touches the pavement of Boston, "There is no protection for you in Massachusetts." If you will give us that law, we can put these representatives of the noblest heroism and the sublimest courage the world has ever seen,—the apostles and saints of this modern Liberty Crusade,—in this State House or in old State street, and say to them: "Flash back your name on these telegraphic wires, which a son of Massachusetts invented, to your master at the South, tell him you have chosen to reside in Boston, and bid him welcome to the news." And the invention of law which makes it possible for him to proclaim this, will outshine the invention of the telegraph which girdles the globe.

But the answer will be, "The Supreme Court will set aside the law." I do not know that. You passed a liquor bill some years ago; the Supreme Court set it aside. The Legislature, by one giant stride, enacted a ten fold stronger law, and the Supreme Court did not set it aside—they leapt ahead of it. That decision does not come from the law books; it does not come from between calf-skin: it comes from the public opinion of the Commonwealth, which has set the vanes of that legal spire in the right direction, since your first attempt at legislation. I trust I have a due respect for the Supreme Bench of Massachusetts, and for those who hold places upon it; but they are men; they are not stereotyped cast-iron machines, speaking by steam. They are warm flesh, living blood, and there must circulate through their veins the life and vitality of the Commonwealth. Enact that bill, and if it is set aside, enact it again; and if it is again set aside, enact it a third time, and be certain that when the statute floats forth from the arches of the Capitol, if the people do not make it effectual through the Supreme Court, they will make it effectual over that Court; for the humanity of the people will be represented by the institutions of Massachusetts, in some form or other.

Then, again, gentlemen, I have another point to present, 9 and it is this: After all, is there any such slave clause as that we are talking about? I am sometimes reminded of that story in old time, of the first light-house that was built at Alexandria—a marble column, flashing its light, five hundred feet high, on the blue sky of the Mediterranean. Ptolemy, who filled the throne of Egypt, bade the architect, Sostratus, write on the frieze—"Ptolemy, to the gods, saviors of seamen." And Sostratus chiselled, apparently, the name of the reigning king. But after a while, the crumbling plaster and frail lime dropped out, and beneath, in the eternal marble, the centuries saw carved, "Sostratus, son of Deiphanes, to the gods, saviors of seamen." So with that Constitution. Our fathers tried to plaster it over, so some men say, with slavery,—with equivocal phrases, with immoral compacts, with compromises that no man dared utter, but each man hid in his heart; and the claim of some jurists, today, is, that the crumbling plaster has dropped out, the "untempered mortar" is gone, and there flashes forth from the eternal purpose of the Constitution the fiat—" *Thou shalt not return unto his master the servant that has escaped from his master unto thee!* "

Let us hope, in God's name, that it is so, Mr. Chairman; and if it be so,—and I am told a large proportion of those who occupy these seats believe it is,—enact your legal theories into statutes. If you come here believing, as we are told you do, that there is no slavery in the United States Constitution, then I tell you that the law we ask, instead of being unconstitutional, is the purest and best constitutional law in the world, and it is your duty to enact it, since wicked men are perverting your noble Constitution to cover such awful iniquities. There are men who sit in these seats, antislavery men, who, when we fanatics ask them, "How can you bow beneath that oath to the Constitution?" reply, "It is high as heaven; it is broad as the pillars of the universe. There is no slavery there. We cannot find it." Very well; then vote for this law!

If there is an Abolitionist in your Legislature who says, "I hate slavery; I will never help execute the Fugitive Slave Act; I would cut off my right hand before I would do it; but I have bound myself by an oath not to pass such a law in this Legislature,"—I ask, "By what right do you 1* 10 sit here? Anti-slavery man, lover of liberty, by what right do you bind yourself by an oath not to execute your high functions in behalf of justice? By what right do you assume power which you allow Forbids you to do what you acknowledge to be just, and obliges you to aid in doing what you confess is infamously base? Put your hat on your head and go out of that door! You cannot vindicate that oath as a moral, Christian, anti-slavery man. You have no right to assume a power, and oust others from it, which you cannot use for the protection of the fugitive." These are the two horns of the dilemma. Those of you, legislators, who say, "We can come here, because we do not find slavery in the Constitution," vote for that law! If there is no slavery in the Constitution, the Fugitive Slave Bill is a monster even worse than on the other supposition. If there is no fugitive slave clause, then the Sims case and the Anthony Burns case were the most monstrous enormities ever perpetrated in the city of Boston; worse than

if we suppose there is such a clause. Go as far as Franklin advised in the first petition to Congress on this subject, "Go to the extreme verge of your constitutional power to put down this system." If you have got the power, exercise it. If you turn round and say, "I have not got the power," then I ask you how, as a man, a Christian, an anti-slavery person, can you vindicate your right to sit here in the Legislature, when you have bound yourself not to legislate justly, but both passively and actively aid in wrong-doing?

It is no answer to my request to say, that you will grant a jury trial, that you will hedge the citizen with such safeguards that none but a real fugitive can ever be delivered up. That is not the Massachusetts we want, and not the Massachusetts we have a right to claim. If the South has violated the Constitution repeatedly, palpably, avowedly, defiantly, atrociously, for her own purposes,—to get power in the government, to perpetuate her system, to control the nation,—we claim of you that you should exercise the privilege which that violation has given you. We claim of you that you should give us a Massachusetts worthy of its ancient name. Give us a State that is not disgraced by the trial, in the nineteenth century, in the midst of so-called Christian churches, of the issue, "Is this man a chattel?" We will not rest 11 until it is decided as the law of this Commonwealth, that a human being, immortal, created by the hand of God, shall not be put upon trial in the Commonwealth, and required to prove that he is not property. It shall not be competent for the courts of the Commonwealth to insult the civilization of the nineteenth century by asking that question, or making it the subject of evidence and proof. Give us a law tantamount to this: the moment a man sets his foot in Massachusetts, he is free against the world!

Can the image of God be owned and sold? What a question for a Christian republic to try! Decree that no Court sitting in Massachusetts shall ever entertain the question whether a human being can be property. He is a man, therefore he is free. Provide not only that no Court which you set up shall entertain that question, but that no Court sitting on your soil shall insult Heaven by trying such an issue. What your own Judges may not do, shall not by any man be done within your limits. We read, gentlemen, of days when to say, "I am a Roman citizen," opened prison doors and disarmed lawless power. Earn for our Commonwealth a nobler fame. Let history tell that on our soil to say, "I am a man," unlocked every chain and shrivelled unholy parchments to ashes, while over the emancipated head flashed the mailed arm of the Commonwealth with its protecting legend, "Sub Libertate Quietem."

EXTRACTS FROM A SPEECH BY WM. LLOYD GARRISON, Before the same Committee, February 24, 1859.

Let me say a word in regard to the petitioners as a body. I know that, in this hall, a member of your own legislative body has undertaken, in advance, to pour contempt upon them; to represent them

as fanatics, incendiaries and traitors; to identify them with the class known as radical Abolitionists. Now, gentlemen, you have but to examine these petitions to see how utterly false is such a charge. They have been signed without distinction of party, and with no reference to the Anti-Slavery movement as such. I mean that 12 men and women have put their names to the petition, as people rush out in common to put out a conflagration which is threatening to consume the city; that there is no fanaticism in it; that the persons who have signed it are not agreed in their views in regard to the best method of attacking slavery in our country, and of effecting its ultimate abolition. On many points we are divided; but on this one point of making Massachusetts free soil to every human being planting his foot upon it, there is but one opinion among the people, and that opinion will prevail. No insult, no ridicule, no menace, on the part of any man or body of men, as against these petitioners, will avail any thing. I know the heart of the Commonwealth; I know what are the pulsations of the people; I know that if there be one thing, more than another, which unites them at this hour, cost what it may, it is this proposition to consecrate our soil to freedom by giving shelter to every hunted fugitive slave who may come to us for protection. Whoever in this Legislature shall seek to vote down the prayer of these petitioners, will have an account to settle with the people, and the people will have an account to settle with him; and none can doubt which way the balance will turn.

A member of this House, in the spirit of demagogueism, has raised the outcry, that to grant the prayer of this petition will be to come under the dictation of the Abolitionists; that the Abolitionists boast that whatever they decree is enacted by the Legislature; and you are summoned, by every feeling of self-respect and manhood, to stand your ground, and not be driven by such "fanatical agitators." Now, gentlemen, if this be true, that, hitherto, all that the Abolitionists have asked of the Legislature has been granted—and it is true—then one of two things is also true:—either that the Abolitionists of the Commonwealth are a large majority of the people, and so it is the popular and all-pervading sentiment of our State which is branded as fanaticism; or else that the Abolitionists, few in number, have always been so wise, so sagacious, so just, so humane, in every request they have yet made, that the people have been constrained to say "Amen" to it. And this, gentlemen, is the simple fact. The Abolitionists, though held up as fanatics and madmen by priest and demagogue, have no fanaticism and no madness, either as to their object or the spirit which animates them. We believe in the Declaration of American Independence; and all our fanaticism, from the beginning to this hour, has consisted in this—in meaning just what we say of that Declaration; but, alas! the nation is hypocritical and perfidious. We believe in the inalienable rights of man, and our crime has been, that we have refused to compromise these rights to accommodate any party or sect, or to sustain any law, constitution, or compact. We shall surely be vindicated at the court of conscience and at the tribunal of God, and the verdict of posterity will be,— *The Abolitionists were in the right, and the nation was in the wrong.*

Let us see, gentlemen, whether there is any cause for blushing, on the part of the Legislature, that it has “bowed the dictation of the Abolitionists,” and done certain things at “their command.” We first asked the Legislature to record a strong and solemn protest against the existence of slavery in the District of Columbia—not a slave State, but territory owned by the whole nation, and under the exclusive jurisdiction of Congress, and for the government of which the nation is responsible. Our petition was promptly responded to by the Legislature, and it has no need to be ashamed of its action.

We asked, again, that there might be an expression of sentiment, in behalf of the State, against the inter-State slave trade, which presents more than the horrors of the foreign; for there are circumstances attending it which are peculiarly distressing and revolting; and the Legislature again responded to the appeal in strong language. Is this to be ashamed of?

Next, when the daring attempt was made to override the forms of constitutional law, and transcend the powers of the national government, in order to secure the extension of slavery by the annexation of a foreign slave State to our—own Texas—we petitioned the Legislature to place on record the protest of Massachusetts against that lawless and wicked deed. It did so. Is it any thing to be ashamed of?

Again: when South Carolina and Louisiana undertook to imprison such of our colored seamen as were found in their ports,—not only to imprison, but also in various instances to sent them to the auction-block, and sell them as slaves to pay their jail fees,—we called upon the Legislature to protest 14 against this perfidious and oppressive treatment, and to send agents to those States to seek legal redress by taking an appeal to the Supreme Court of the United States. The request was complied with—with what success, gentlemen, you well know. But, surely, the Commonwealth has no reason to be ashamed of its course in this matter—only ashamed that it has been intimidated from making a fresh effort to protect the rights of our outraged colored citizens.

Again: In some sections of the State, especially in Boston, colored children were illegally excluded from the benefit of public schools, and compelled to herd together as a separate and despised caste. For a long time, the aristocracy of Boston was contumacious and defiant toward the popular feeling of the State on this point, and resolved that there should be no blending of white and colored children in the common schools of the city. We asked the Legislature to decree, in unmistakable terms, the abolition of all complexional distinctions in the schools. It did so: and in Boston, to-day, the blackest child sits quietly and honorably by the side of the whitest. Gentlemen, there is no cause for regret or shame in this act.

Again: the protest of the Legislature has been requested, and granted, against that "bill of abominations," the Fugitive Slave Law, the passage of which excited a thrill of horror throughout the civilized world; and also against the infamous Dred Scott decision, and the swindling Kansas and Nebraska act. What true son of Massachusetts has cause to blush at what has been done in these particulars?

The last thing we have asked, what we are now asking, is, that every fugitive slave coming to this State shall be protected, and that no person from the South may be allowed to hunt him on our soil as though he were a wild beast. All the other requests have been granted, and is this to be denied? Is there any doubt with regard to the public opinion on this subject? Do the people still rule in the Old Bay State? I take it they do; and I affirm that they are ready for this measure. They want no delay, no paltering, no dodging; but they want a decree, simple, plain, explicit, which shall protect every fugitive slave coming within our borders. I trust, gentlemen, that your report will be unanimous, and that you will bring in a bill which shall be most effectual for this purpose.

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Gentlemen, the petition implies that Massachusetts now allows slave-hunting on her soil as constitutional. This is either true or it is not. If it be true, then the people of Massachusetts are a commonwealth of kidnappers by constitutional agreement. Hence, every man who does not protest against the deed is to be put into the category of kidnappers. He may be a gentlemanly man, but he is a gentlemanly *kidnapper*. He may be a Republican, but he is a Republican *kidnapper*. He may be a Democrat, but he is a Democratic *kidnapper*. He may be a Presbyterian, Methodist, or Unitarian, but he is a Methodist, Unitarian, or Presbyterian *kidnapper*. Every man who is not for putting an end to this nefarious business becomes an accomplice in it, and, of course, reveals his true character. He shows that, in that direction, and to that extent, his heart has been turned to stone, and that he is willing to trample upon the law of God, and disregard all the claims of bleeding humanity. If it be true that slave-hunters are permitted to go through the Commonwealth, and seize their victims wherever they can find them, then it is time, and the people now say it is time, to put an end to this for ever. But if it is not true that there is any law binding us, any contract compelling us to allow this, then, of course, it is the greater shame to us that we have allowed it so long, and there can be no valid objection to the passage of the desired decree. We stand here in the name of the living God to say, that no matter what your parchments may be, or how many contracts you may have made to seize the fugitive, to "bewray the wanderer," the law of God is paramount over all; and your iniquitous parchments are to be given to the consuming fire, your unrighteous pledges are not to be kept, and justice is to be maintained at all hazards. "Your covenant with death shall be annulled, and your agreement with hell shall not stand." If we have made any such covenant, or entered into any

such agreement, shame to us that we have kept it so long; it will be to our honor and glory when we trample it beneath our feet.

You will be admonished, doubtless, by those who are unscrupulous in their devotion to Southern interests, that you have taken an oath to sustain the Constitution of the United States. Well, gentlemen, what is that oath? Does it bind you to give up the fugitive slave, or to consent that he shall be hunted on Massachusetts soil with impunity? If it does, put that oath under your feet, and dare not to carry it out, as you regard your own souls salvation. That oath is not binding upon you for a moment. But there is an oath which harmonizes with the law of God; which is on the side of humanity and justice; and which you have taken upon your souls to see fulfilled, as pertaining to the rights of man. It is this:—

“Article 1. All men are born free and equal, and have certain natural essential, and inalienable rights: among which may be reckoned the rights of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.”

The oath lies upon your souls, to-day, gentlemen, to maintain these rights. It is an oath that you can and must carry out; an oath that the people of this State are resolved shall be carried out; and if this Legislature will not do it, another one will be chosen which will assuredly stereotype public sentiment into law.

I have referred to the plea of the South, that she is shut up to the terrible necessity of disregarding all her relations and agreements with us, in order to perpetuate her slave system. Now, I would have nothing done by way of vindictive retaliation; but I would say, as the very worst thing I would have done to the South, for the atrocious injustice she has done to us and our citizens,—I would say, in the language of Whittier—

“Have they wronged us? Let us then Render back nor threats nor prayers; *Have they chained our free-born men?* Let us unchain theirs!”

Pass the law, then; not in anger, nor by way of retaliation—no, but that Massachusetts, in this respect, may stand at least by the side of Austria;—Austria, which proclaims that the moment any slave, from any part of the world, shall touch the deck of an Austrian ship, or any part of the Austrian soil, his chains shall burst asunder, and he shall be protected against recapture or harm by the whole power of the nation. Let the old Bay State try to reach the position of Austria! If the Courts shall nullify what you may enact—it is surmised that they will, but that is to beg the question, and we ought not hastily to conclude that our judges are ravening wolves—but if they should do so, you

will have done your duty. You are not responsible for the action of the Courts, and the people will settle the matter with them

Gentlemen, I conclude by saying that all opposition to this movement will be unavailing, because it is "of heaven, not of men." It is the conscience of the people of the Commonwealth in insurrection against satanic wickedness. The AntiSlavery struggle is for the freedom of man, without distinction of race or color. It is God who inspires and guides it, who bears it upward and onward; and it is impossible for Him to be overcome or vanquished. No matter who the man may be that shall try his hand against this movement, he will fail in the end. No matter what party may attempt to put it down; that party will be dashed in pieces. It is a rock; and "whosoever shall fall thereon shall be broken, but on whomsoever it shall fall it shall grind him to powder."

I ask you, gentlemen, to join with the people in crying out, in thunder tones, that all the nation may hear, in the language of our own Lowell—

"From being slave, or making slave, God save the Commonwealth!"

EXTRACTS FROM A SPEECH BY C. C. BURLEIGH, At the Annual Meeting of the Massachusetts Anti-Slavery Society, January 28, 1859.

The Commonwealth of Massachusetts is to be called on, through its Legislature, this winter, to enact that no slave shall be taken back to bondage from its jurisdiction. I can easily suppose that the objection will be urged there which we hear elsewhere—"the Constitution and the Union!" I have shown that the Constitution, whereinsoever it conflicts with the moral law, is not and cannot be binding; that it is not only our right but our *duty* to trample upon it; but I have this further reason, that the party in interest against the claims of justice and humanity has already forfeited even its apparent claim, upon the ground of the compact of the Constitution. Whenever men make bargains, they make them with the understanding of mutuality—there is not only a benefit, but an obligation on both sides of the bargain. If I say to you, This farm shall pass into your possession for so much money to pass into mine, and you give me your note of hand and receive the deed, when the time comes for the payment of the note of hand, if you refuse to pay it, I am under no obligation any longer to recognize your right to the property, but have a right to use such means as will be effectual to bring that property back into my possession; or, if the note is to be paid before the deed is given, I have a right to refuse the deed. You all understand the principle well enough, and I think you already know enough of our relations to the Slave Power to see the application of that principle in the case before us. The bargain, we are told, was this: that for certain considerations, we of the Commonwealth of Massachusetts will give up to the slaveholder his fugitive from slavery. Well, so the bond, if it do not exactly so read, has been, by common consent, interpreted. But, in

the first place, the bargain rested upon these considerations: that, whatever rights were guaranteed to us in the Constitution, we shall be permitted to enjoy without molestation; and, second, (if not expressed, yet necessarily implied in the absence of any terms extending the obligations further,) that we should not be obliged to surrender slaves carried from any part of the earth that was not covered by the terms of the compact. Now, in both of these particulars, the Slave Power has violated the terms of its compact, and has thus released us from our obligation, if it were possible that a compact so immoral could impose any obligation at the beginning. The slaveholders have not been true to the terms of the bargain we made. The Constitution has guaranteed to us the privileges and immunities of citizenship, go where we will within the compass of this Union. If I go to Carolina, I am a citizen of the United States, and, by virtue of my citizenship, I have a right to free speech and a free press, and to use my moral and religious influence in favor of whatever my moral and religious nature tells me I ought to endeavor to promote. I have a right, then—just as good a right in Carolina as in 19 Massachusetts—to assail slavery with all the weapons of the moral armory; I have a right to call upon the people of the South, in the name of justice and Christianity, in the name of humanity, in the name of sound policy, in the name of good economy, to abolish the slave system; I have a right to say that it is unjust, anti-Christian and inhuman, and that it is emphatically uneconomical. I have a right to show its waste of the energies of the people, its waste of the resources of national wealth, its violation of the essential rights of human nature, its opposition to the laws of God and the teachings of Christ. Can I do it? Will Carolina let me do it? I go there with the Constitution spread all over me as my shield of protection, I go there with my legal rights piled up before me as an impregnable fortress of defence, and one breath dissolves it into nothing, and melts the parchment into thin particles of impalpable vapor. Where is my constitutional protection, if I dare to speak for humanity, for truth, for justice to the enslaved? If I dare to undertake the application of Christianity to the daily life of Carolina, if I even dare to quote “Poor Richard’s Almanac,” in application to the wasteful and desolating system of slavery, I do it at the peril of my life; and the very best fate I can hope is the privilege of going into instant banishment from the territory of the sovereign empire of Carolina. Well, I come home to Massachusetts, and the next day,—having been banished by Carolina from her soil, in defiance of the terms of the compact,—I must turn round and catch Anthony Burns, and, tying him hands and feet, hurry him back into Carolina bondage. Even waiving the question of the original immorality of the compact, am I bound, having been robbed of the benefits that were to accrue to me, still to bear all the burdens that were imposed upon me? I tell you, no.

I might go on and recite one particular after another in which the Constitution has been violated by the Slave Power, not under the influence of passion, not in moments of high excitement, but deliberately, systematically, on a preconcerted plan, and with an unanimity throughout the slave States so complete as to leave no possible doubt of their entire harmony of sympathy and feeling, and concert of purpose and action.

I have yet one word more to say. I go to the people of Massachusetts, and I ask them, one by one, if you please, in 20 the confidence of social communion by the fireside, "What do you think of catching runaway slaves?" "Think of it! It is abominable. No man shall be taken from my house." So says one. Says another, "I will help the slave to the utmost of my ability. I never mean to permit the recapture of a fugitive, if I can help it." Among the Berkshire hills, in the Hampshire valley, along the banks of the Connecticut, in the heart of the Commonwealth, down here upon the shores of Essex and Plymouth and Barnstable, wherever I go, they tell me, "We don't mean to permit a slave to be taken away from our soil again. They got away Anthony Burns, because they had the neighborhood of the Navy Yard, and the cannon and bayonets of the United States marines to help them; but these will not aid them any where else. Let them get away from the convenient vicinage of Charlestown Navy Yard, and they will try in vain to take any man from the soil of Massachusetts." Now, I am not inquiring whether that proud boast will be verified in the day of trial; that is not essential to the argument; all I have to say is, that in these declarations, we learn the settled purpose of the people of Massachusetts not to permit the capture of runaway slaves. They do not mean to do it, let the Constitution be what it may. Let Judge Taney or Judge Shaw say what he pleases, let Benj. F. Hallett and his brother Commissioners do whatever dirty work they find congenial to their souls, and let Benj. R. Curtis, with whatever congeniality there is in him, ratify the work, the people of Massachusetts do not mean to let the slave be taken back to bondage.

This, of itself, is a distinct, and, as it seems to me, potent argument; one strong link in the chain by which I would bind your consciences and your hearts to the deed I ask of you this day. If, I say, the people of Massachusetts, from the hills of Berkshire to the sands of Cape Cod, from the borders of the Green Mountain State to the line of the Connecticut, do not mean to send back the runaway slave, or permit him to be sent back; if they mean to shelter him, to feed him, to hide him, and speed him on his way to Canada, if he cannot be safe here; in other words, if they mean to violate what they acknowledge to be a provision of the Constitution; if they mean to transgress what they understand to be the requirements of the statute; if they mean to tread 21 under foot the precedents of the Supreme Court, and of the inferior Courts, then what right have they to lie to the South, and to lie to the world, even though that lie should cover ten pages of the statute-book with a tissue of circumlocutions that darken counsel by words without knowledge? What right have they to say they will do the thing *somehow*, which they do not mean to do *anyhow*?—that the only difficulty there is, is about the *mode*, when in the heart of them they know the difficulty is about the *thing*? Why not be honest, manly? Why not be frank and open? Why not speak out to the world what they cherish in their own hearts? Is it not time to verify the declaration of Scripture, "that what is spoken in the ear shall be proclaimed from the house-top"? Is it not time for us to get hold here of the two Massachusetts extremities of the Underground Railroad, and lift it up into daylight? Nay, is it not time to go yet a little further than that, and break the connection between the Underground Railroad of

Massachusetts and that of Vermont or New Hampshire, and establish here the terminus, right under the shadow of our State House? Let that granite obelisk yonder upon Bunker Hill be the boundary which says, "Hitherto, but no further!" Nay, rather, only to him who comes along the ocean track let this be the terminus, but just as soon as the land traveller crosses the line of Connecticut, and the air of Massachusetts breathes into the open windows of the car, let it be understood the journey is ended. (Renewed applause.)

Is not that the true response to the demands of the Slave Power for larger concessions to slavery, when, with Chief Justice Taney for her mouthpiece, she asks you to permit her to carry—no, not asks you to permit her, but insolently demands that you accede to her claim—a claim not included in the terms of the Constitution—to carry her slaves all over the Free States,—to Bunker Hill and Faneuil Hall, to every place consecrated by the blood of freemen, and sacred to the memories of the past—demands the right of carrying slaves wherever she will, and of holding them as property wherever they are borne—is not this the fit response: "No man shall be recognized as property on the soil of Massachusetts; no man shall be taken as property from the soil of Massachusetts!" The people mean it, the people desire it, the people have deliberately purposed it in their heart of hearts, and why should they not say so? That is the avowal of each of the parties, and of all, taken singly; why should it not be the avowal of all, speaking collectively? Lest the voice of the Commonwealth, expressed through so many organs of speech, should fail to reach the ears of the farthest South, why not utter it in one grand blast through the speaking trumpet of your Legislature? Carolina, Florida, Texas, can hear that, for they tremble sometimes at even the faint whispers it has heretofore uttered.

But the argument is not complete by this statement of it; and so I go back to the starting-point by the next statement which I make. I ask all these people of Massachusetts who tell me that they do not mean to give up a runaway slave, "Why, do you dare disobey a law of the land?" You are "a law-abiding people." I have learned that from your earliest history. It is in the very bones and blood of your Anglo-Saxon race to be "a law-abiding people." A Saxon man is only a section of a circle, a fraction of an integer, and the recognition of the State is essential to his completeness, and he acknowledges its authority accordingly. He is "a law-abiding" man. But, somehow, you have come into a position here which reveals another side of that Saxon character. You are practically contemning the law; doing it secretly, if you will, not because you are ashamed to do it openly, but because only so can you do it effectively; you say that you do not go about this work of charity and mercy and humanity and justice, in the manner one would go about robbing hen-roosts and stealing sheep, because you think there is any thing germane in it to such transactions, but because so only can you make the benefit effectual that you desire to confer. Very good; then comes my question—"Law-abiding as you are,—constitutionally, traditionally, educationally, habitually law-abiding as you are, why do you now break away from the ties which constitution and tradition and

education and habit have imposed upon you, and tread the law under your feet, break away from the constitutional requirements, and give liberty to him whom law and Constitution have branded as a chattel and property?" There is but just one answer you can make; there is but just one answer which measures itself adequately with the terms of 23 the question, and that is—Conscience—God! You know it as well as I. "God and Conscience will not let us do otherwise. We are not law-abiding, because we *are* law-abiding. We are not abiding by the lower law, because we are cognizant of the higher."

I began by showing you that this compact is not binding by reach of its immorality; I conclude by showing you that you feel it not to be binding by reason of your consciousness of its immorality.

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